REMARKS

Reconsideration of the Application is respectfully requested.

In the subject office action, claims 1 and 4-15 were rejected. Claim 4 is amended to correct a minor informality. Accordingly, claims 1 and 4-15 are now pending.

Claim Objections

The Examiner objects to claim 4 for depending upon a cancelled claim. In response, Applicants have amended claim 4, obviating the rejection.

Claim Rejections – 35 USC §103

To establish obviousness under 35 U.S.C. § 103, the Examiner must view the invention as a whole. Further, the Examiner is to perform the obviousness analysis in accordance with the standard set forth by the Supreme Court in *Graham v. John Deere Co*. That standard requires that the Examiner (1) determine the scope and content of the prior art; (2) ascertain the differences between the prior art and the claims in issue; (3) resolve the level of ordinary skill in the art; and (4) evaluate evidence of secondary considerations. 383 U.S. 1, 17-18 (1966); *see also* MPEP 2141. Secondary considerations include whether the invention met with commercial success, whether the invention answered a long felt need, and whether others attempting the invention have failed. *Graham*, 383 U.S. at 17-18. Further, in applying the *Graham* framework, the Examiner must consider the invention as a whole, without the benefit of hindsight. MPEP 2141.

1.   Claims 1-6 and 9-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent Publication Number 2002/0123359 to *Wei et al* (hereinafter "Wei") in view of U.S. Patent No. 6,580,916 to *Weisshaar et al* (hereinafter "Weisshaar"). Applicants respectfully disagree.

In particular, claim 1 recites:

"receiving, by a framework system server, a request for a service from a client device expressed in terms of one or more concepts of one or more features of the service;

– 5 –

directing, by the framework system server, said request to a service providing server, the service providing server further directing the request for service to a plurality of vendors, each of the plurality of vendors separate and distinct from each other and from the framework system server and the service providing server;

receiving, by the framework system server, a response to the request for service from the service providing server, the response including one or more solutions to the request provided by one or more of the plurality of vendors;

adapting, by the framework system server, the response to the request for service to the client device utilizing a template corresponding to a feature of the requested service, the template including one or more HTML pages, text pages, images, buttons, actions, calendars, favorites, and data structures; and

providing said adapted response to the client device."

When viewed as a whole, as is required by law, claim 1 teaches a novel method implemented in a framework system server, the framework system server adapted to send a client device request to a service providing server which in turn provides the request to a plurality of vendors, separate and distinct from each other and from the framework system server and service providing server, and receives from the service providing server responses from one or more of the plurality of vendors. Thus, a framework is created whereby a client may provide a single vendor-agnostic service request which may in turn be provided to a plurality of vendors to be fulfilled.

In contrast, the combination of Wei and Weisshaar simply does not teach or suggest "the service providing server further directing the request for service to a plurality of vendors, each of the plurality of vendors separate and distinct from each other and from the framework system server and the service providing server."

Wei stands for a system of provisioning mobile devices with information via search templates enabling the mobile device to communicate with an SMS server. The client mobile device of Wei may use search templates to formulate a request for information and/or a transaction

to a specific merchant, including the merchant's UIN in the request, and may provide the request to the SMS server (Wei, paragraphs 32-38). The merchant UIN may have been provided to the client mobile device via an advertisement for a product or service (see Example 1 of Wei). The client device may then receive a response from the SMS server, and may adapt the response through use of the search templates.

Nowhere does Wei disclose or suggest the providing of the client request to a plurality of vendors by a service providing server. As taught by Wei, the client request is merchant specific. The client of Wei seeks a response from a designated merchant, not a response from a plurality of merchants not specified by the client. Further, even if one assumes for the sake of argument that Wei suggests making the request to a plurality of vendors, nothing in Wei recognizes the benefit of having the client submit one vendor-agnostic request to a server, the server then sending that request to a plurality of vendors, as is claimed by claim 1. At best, Wei merely suggests having the client device make a plurality of requests to a plurality of vendors.

Further in contrast to the method of claim 1, Weisshaar simply stands for a service framework adapted to discover a vendor with the best transport characteristics. Weisshaar discloses a client device 108/109 connected to a plurality of remote servers 102 via a local node 106. The client device 108/109 is equipped with a service framework 235 including a service lookup and remote service front ends. The remote service front ends serve as proxies for remote servers 102 having remote service back ends, the front ends and the back ends collectively comprising the remote services. Each service is capable of registering itself with the service framework 235, including providing transport characteristics. The service framework 235, upon receiving a service request from a client application including a transport characteristic, performs a lookup to find the service best matching the transport characteristic. Upon determining the best match, the service framework 235 informs the client application, which may then request service from that particular remote server 102 using the remote service front end.

Nowhere does Weisshaar suggest a service providing server sending a client service request to a plurality of vendors. In fact, Weisshaar arguably teaches away from such a method of

fulfilling a service request by providing the client with a service framework 235 capable of determining the service/vendor with the best transport characteristics prior to making a request. It should further be noted that it is the client application of Weisshaar, not a service providing server, which makes the service request to a server/vendor.

Accordingly, claim 1 is patentable over Wei and Weisshaar, alone or in combination, under 35 U.S.C. §103(a).

Claims 4-6 and 9-15 depend from claim 1, incorporating its limitations. Therefore, for at least the same reasons, claims 4-6 and 9-15 are patentable over Wei and Weisshaar, alone or in combination, under 35 U.S.C. §103(a).

2.   Claims 7-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wei in view of Weisshaar, as applied to claim 1, and further in view of the Background of the Invention of U.S. Patent Publication Number 2002/0107891 to *Leamon et al* (hereinafter "Leamon").

As stated above, Wei and Weisshaar fail to teach or suggest required, recited operations of the present invention, as claimed in claim 1. Leamon does not cure these defects. Thus, even when combined with Leamon, the cited art fails to suggest novel features that are noted when the invention of claim 1 is viewed as a whole.

Claims 7-8 depend from claim 1, incorporating its limitations. Consequently, claims 7-8 are patentable over the combination of Wei, Weisshaar, and Leamon.

Miscellaneous

Applicants respectfully submit the enclosed petition under 37 CFR 1.182 to change the primary inventor to Roundtree.

– 8 –

Conclusion

In view of the foregoing, Applicants respectfully submit that claims 1 and 4-15 are in condition for allowance, and early issuance of the Notice of Allowance is respectfully requested.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: September 27, 2006

  /Robert C. Peck/

Robert C. Peck
Registration No. 56,826

Pacwest Center, Suite 1900
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: 503-222-9981